

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXTILE COMPUTER SYSTEMS, INC.,

Plaintiff,

v.

TEXAS CAPITAL BANK, ET AL.,

Defendants.

CIVIL ACTION NO. 6:21-cv-1057-ADA

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS TEXAS CAPITAL

WHEREAS, one or more third party agreements have resolved some or all of the claims between Plaintiff Textile Computer Systems, Inc. (“Textile”) and Defendant Texas Capital Bank (“Texas Capital”).

NOW, THEREFORE, Textile and Texas Capital, through their attorneys of record, request that the Court dismiss with prejudice all claims asserted by Textile against Texas Capital in this case that are licensed under the one or more third party agreements including, but not limited to, any debit or credit cards issued, and/or transactions processed in whole or in part, by Fiserv, Inc., Fiserv Solutions, LLC, U.S. Bank National Association (d/b/a Elan Financial Services), U.S. Bancorp, and/or any of their respective affiliates; to dismiss without prejudice all other claims asserted by Textile against Texas Capital in this case; and to dismiss without prejudice Texas Capital’s claims, defenses, or counterclaims for relief against Textile, with each party to bear their own attorneys’ fees, costs of court, and expenses.

Dated: December 16, 2022

Respectfully submitted,

/s/ Matthew J. Antonelli
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***Attorneys for Defendant
Texas Capital Bank in connection with
allegations arising in Case No. 6:21-cv-1057***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on December 16, 2022.

/s/ Matthew J. Antonelli

Matthew J. Antonelli